

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: July 15, 2010

JUDGE
LEONARD DAVIS

REPORTER: Shelly Holmes

LAW CLERK: Kat Li

NETWORK-1 SECURITY SOLUTIONS V CISCO SYSTEMS, et al	CIVIL ACTION NO: 6:08-CV-30 JURY TRIAL - DAY 4
ATTORNEYS FOR PLAINTIFFS	ATTORNEY FOR DEFENDANT
Greg Dovel (Dovel & Luner) John Eichmann (Dovel & Luner) Johnny Ward (Ward & Smith)	William Lee (Wilmer Cutler Pickering) Mark Selwyn (Wilmer Cutler Pickering) Lauren Fletcher (Wilmer Cutler Pickering) David Beck (Beck Redden & Secrest) Otis Carroll (ICK Firm) Eric Findlay (Findlay Craft) <i>For Cisco</i> David Bahler (Fulbright & Jaworski) Gilbert Greene (Fulbright & Jaworski) <i>For Adtran</i> Richard Vasquez (Vasquez Benisek & Lindgren) Bill Cornelius (Wilson Law Firm) <i>For Enterasys</i> Ken Adamo (Jones Day) Behrooz Shariati (Jones Day) <i>For Extreme</i> Henry Bunsow (Howrey Simon Arnold) John Hamann (Howrey) Sonny Cherian (Howrey) Calvin Capshaw (Capshaw & DeRieux) <i>For Foundry</i> Jeff Ostrow (Simpson Thacher Bartlett) Kerry Konrad (Simpson) <i>For 3Com</i>

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DAVID J. MALAND, CLERK

BY: Rosa L. Ferguson, Courtroom Deputy

PAGE 2 - Proceedings Continued

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 5:15 pm

TIME:	MINUTES:
9:00 AM	Trial resumed. Jury seated in the courtroom.
	Court addressed the Jury and welcomed them back. Court inquired if the jury would prefer a shorter lunch.
	Mr. Cornelius addressed the Court and offered Defendants' Exhibit List #2 , which contains Defendants' Exhibit #120, 121, 132 - 136, 138, 141 - 144, 262, 318, 487, 490 - 496, 499 - 501, 503 - 520, 588, 695 - 698, 13k96, 1397, 1399, 1042, 1404 & 1405 . Without objection, Defendants' Exhibit List #2 admitted.
	Mr. Eichman addressed the Court and offered Plaintiff's REVISED Exhibit List #2 , which contains Plaintiff's Exhibits #82, 88, 101, 132, 143, 302, 326, 342, 393, 397 - 401, 403, 423, 442 - 444, 464 - 471, 502, 512 - 516, 518, 519, 528, 540, 570 - 573 & 580 . Without objection, Plaintiff's Revised Exhibit #2 admitted. Mr. Eichman offered Plaintiff's Exhibit List #3 , which contains Plaintiff's Exhibits #231, 423, 463 & 503 . Without objection, Plaintiff's Exhibit List #3 admitted.
	Mr. Cornelius called KARL PIEPER . to the witness stand. Witness sworn by the Clerk.
	Direct examination of Mr Piper by Mr. Cornelius.
	Mr. Cornelius passed the witness. Cross examination of Mr. Piper by Mr. Dovel.
	Mr. Dovel passed the witness. NO further
	Mr. Cornelius called THOMAS LOUREIRO to the witness stand. Witness previously sworn.
	Direct exam of Mr. Loureiro by Mr. Cornelius.
	Mr. Cornelius passed the witness. Cross examination of Mr. Loureiro by Mr. Eichmann.
	Mr. Eichmann passed the witness.
	Mr. Cornelius called RICH GRAHAM to the witness stand. Witness sworn by the clerk.
	Direct examination of Mr. Graham by Mr. Cornelius. Mr. Ward asked to approach the bench. Bench conference held.
	Direct examination of Mr. Graham by Mr. Cornelius continued.
	Mr. Cornelius passed the witness. Cross examination of Mr. Graham by Mr. Ward.
	Mr. Ward passed the witness. NO further questions of this witness.
	Mr. Lee advised the Court they may need a couple of minutes to set up.
9:55 am	Court in recess until 10:05 am.
10:05 am	Trial resumed. Jury seated in the courtroom.

PAGE 3 - Proceedings Continued

TIME:	MINUTES:
	Mr. Lee called DR. ROBERT COLWELL to the witness stand. Witness previously sworn.
	Mr. Lee offered Defendants' Exhibits #200, 465, 586, 589, 1520 & 1521 , and without objection, these exhibits admitted.
	Direct examination of Dr. Colwell by Mr. Lee. Mr. Dovel asked to approach the bench. Bench conference held.
	Direct examination of Dr. Colwell by Mr. Lee continued.
	Mr. Lee passed the witness. Cross examination of Mr. Colwell by Mr. Dovel.
11:55 am	Court addressed the Jury and recessed them for lunch.
	Mr. Bunsow addressed the Court regarding the damages case and they want to put into evidence CISCO settlement agreement. Mr. Dovel asked to approach the bench.
	Court asked people in the gallery to stand and state their name and to state who they were affiliated with. Gallery members stood and stated their names. Mr. Cherian addressed the Court. Court inquired if anyone present was with the media or investment groups. Mr. Martin Tanner responded. Court advised that all members of the gallery are under order of Court to not discuss, reveal directly and indirectly on a matter that Mr. Bunsow brought up to the Court.
12:05 pm	Court in recess until 12:35.
12:35 pm	Trial resumed. Jury not present in the courtroom.
	Court asked all in the gallery who stated their name to sign in. Mr. Ostro addressed the Court.
	Court asked for the jury to be brought in. Jury seated in the courtroom.
	Dr. Colwell on the witness stand. Cross examination of Dr. Colwell by Mr. Dovel continued. Mr. Lee asked to approach the bench. (Bench conference held)
	Cross examination of Dr. Colwell by Mr. Dovel continued.
	Mr. Dovel passed the witness. Redirect examination of Dr. Colwell by Mr. Lee.
	Mr. Lee passed the witness. Cross examination of Dr. Lee by Mr. Dovel.
	Mr. Dovel passed the witness. Witness excused.
2:20 pm	Court addressed the Jury and will recess them until 2:40 pm.
	Jury not present in the courtroom. Court addressed the gallery on list that was being circulated and asked if anyone has not signed to stand. Court asked Ms. Li to get the signature.
	Court asked to meet with all lead counsel and local counsel in chambers.
2:25 pm	Court in recess until 2:40 pm.
2:45 pm	Trial resumed.

PAGE 4 - Proceedings Continued

TIME:	MINUTES:
	Mr. Beck will be calling Julie Davis, but would like to offer some exhibits. Mr. Beck offered Defendants' Exhibits #33, 75, 166, 168, 179, 176, 541 - 554 & 1525 . With revision to Exhibit #1525, no objections, and exhibits admitted .
	Mr. Beck called JULIE DAVIS to the witness stand. Witness previously sworn.
	Direct examination of Ms. Davis by Mr. Beck. Court asked counsel to approach the bench. (Bench conference held). Direct examination continued.
	Mr. Dovel passed the witness. Redirect examination of Ms. Davis by Mr. Beck.
	Mr. Beck passed the witness. Recross examination of Ms. Davis by Mr. Dovel.
	Mr. Dovel passed the witness. No further questions of this witness.
	Court asked counsel to approach. Bench Conference held.
	Mr. Adamo addressed the Court regarding his witness, Paul Hooper, and given the time of day, and the fact that witness has to be on his way to Dallas, he will move quickly.
	Mr. Adamo called PAUL HOOPER to the witness stand. Witness sworn.
	Direct examination of Mr. Hooper by Mr. Adamo.
	Mr. Adamo passed the witness. Cross examination of Mr. Hooper by Mr. Eichmann.
	Mr. Eichmann passed the witness. Witness excused.
	Court addressed the Jury. Court will excuse the Jury tomorrow and reminded the Jury of the Court's instructions. Jury excused from the Courtroom.
	Court inquired as to what witnesses the Court needs to hear this afternoon.
	Mr. Vasquez addressed the Court on a stipulation reached between the parties. Parties have agreed as to what evidence and testimony can be used in their bench case. Court asked that all be submitted in a packet to the Court by the end of this case. Mr. Vasquez will get packet together.
	Court instructed the parties to take a break for dinner. Parties will meet at their designated places.
	Court will meet back at 9:00 a.m. tomorrow morning. Mr. Adamo asked for the parties' times. Plaintiff has used 11 ½ hours and Defendants have used 10 hours and 10 minutes.
	Mr. Dovel addressed the Court on exhibits.
5:15 pm	Court in recess until 9:00 a.m. tomorrow morning.